IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED
P M. October 7 2009
DAVID J. MALAND, CLERK
U.S. DISTRICT COURT
By [signature]
DEPUTY

CUMMINS-ALLISON CORP.,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION No. 9:07CV196
v.	§	(consolidated)
	§	
SBM CO., LTD. and AMRO-ASIAN TRADE, INC.,	§	JUDGE RON CLARK
	§	
	§	
Defendants.	§	

JURY VERDICT FORM

Question No. 1(A): Direct Infringement—Literal

Do you find by a preponderance of the evidence that SBM or Amro literally infringes any of the following claims of the patents-in-suit?

Answer "YES" or "NO" for each defendant as to each claim for each accused product.

I. SBM

	SB-1000	SB-1000+	SB-1100	SB-1800
Claim 55 of the '354 patent	NO	NO	NO	NO
Claim 15 of the '503 patent	YES	YES	YES	YES

II. Amro

	SB-1000	SB-1000+	SB-1100	SB-1800
Claim 55 of the '354 patent	NO	NO	NO	NO
Claim 15 of the '503 patent	YES	YES	YES	YES

If you answered "NO" to any claim for an accused product for either defendant, please answer Question No. 1(B) for that claim.

Otherwise, please go on to Question No. 2(A).

Question No. 1(B): Direct Infringement—Doctrine of Equivalents

Do you find by a preponderance of the evidence that SBM or Amro infringes any of the following claims of the patents-in-suit under the doctrine of equivalents?

Answer "YES" or "NO" for each defendant as to each claim for each accused product.

I. SBM

	SB-1000	SB-1000+	SB-1100	SB-1800
Claim 55 of the '354 patent	YES	YES	YES	YES
Claim 15 of the '503 patent	No	No	No	No

II. Amro

	SB-1000	SB-1000+	SB-1100	SB-1800
Claim 55 of the '354 patent	YES	YES	YES	YES
Claim 15 of the '503 patent	No	No	No	No

Please go on to Question No. 2(A).

Question No. 2(A): Invalidity—Anticipation

Do you find by clear and convincing evidence that claim 55 of the '354 patent is invalid because it is anticipated by either of the references below?

Answer "YES" or "NO" for each reference.

Reference

JetScan Currency Scanner/Counter Model 4062 [Exhibit No. DX277] — No

JetScan Currency Scanner/Counter Model 4061 [Exhibit No. DX211] — No

Please go on to Question No. 2(B).

Question No. 2(B): Invalidity—Obviousness

Do you find by clear and convincing evidence that claim 15 of the '503 patent is invalid for being obvious to a person of ordinary skill in the art in light of the JetScan Currency Scanner/Counter Model 4061 [Exhibit No. DX211]?

Answer "YES" or "NO."

Answer: No

If you answered "YES" in Question Nos. 1(A) or 1(B) for one or more products as to any claim, and "NO" as to that same claim in Question Nos. 2(A) or 2(B), please go on to Question No. 3 and answer Question No. 3 as to that claim.

Otherwise, please go on to Question No. 4.

Question No. 3: Willfulness

For any of the following claims for which you answered "YES" as to any product in Question Nos. 1(A) or 1(B), do you find by clear and convincing evidence that such infringement was willful?

Answer "YES" or "NO" for each defendant.

I. SBM

Claim 55 of the '354 patent No

Claim 15 of the '503 patent No

II. Amro

Claim 55 of the '354 patent No

Claim 15 of the '503 patent No

Please go on to Question No. 4.

Question No. 4: Invalidity—Obviousness

Do you find by clear and convincing evidence that any of the following claims of the patents-in-suit are invalid for being obvious to a person of ordinary skill in the art in light of one of the references or combinations of references listed below?

Answer "YES" or "NO" for each claim and reference or combination of references.

Claim	Reference(s)	
Claim 41 of the '456 patent	Glory GFR-100 Currency Reader Counter [Exhibit No. DX210]	No
Claim 58 of the '806 patent	"Specification on Toshiba Currency Fitness Sorter Model CF-401" [Exhibit No. DX69] in combination with "Mosler CF-400 Currency Sorter Parts Catalog" [Exhibit No. DX68]	No
Claim 58 of the '806 patent	U.S. Patent No. 4,114,804 to Jones [Exhibit No. DX63] in combination with U.S. Patent No. 5,179,685 to O'Maley [Exhibit No. DX224]	No
Claim 85 of the '806 patent	"Specification on Toshiba Currency Fitness Sorter Model CF-401" [Exhibit No. DX69] in combination with "Mosler CF-400 Currency Sorter Parts Catalog" [Exhibit No. DX68]	No
Claim 85 of the '806 patent	U.S. Patent No. 4,114,804 to Jones [Exhibit No. DX63] in combination with U.S. Patent No. 5,179,685 to O'Maley [Exhibit No. DX224]	No
Claim 120 of the '806 patent	"Specification on Toshiba Currency Fitness Sorter Model CF-401" [Exhibit No. DX69] in combination with "Mosler CF-400 Currency Sorter Parts Catalog" [Exhibit No. DX68]	No

Claim 120 of the '806 patent	U.S. Patent No. 4,114,804 to Jones [Exhibit No. DX63] in combination with U.S. Patent No. 5,179,685 to O'Maley [Exhibit No. DX224]	No

If you answered "NO" to any combination of references for any claim in Question No. 4, please go on to Question No. 5 and answer Question No. 5 as to that claim.

Otherwise, please go on to Question No. 6(A).

Question No. 5: Willfulness

For each claim to which you answered "NO" in Question No. 4, answer the following question. If you answered "YES" as to each combination of references for a claim listed in Question No. 5, do not answer the following question.

Do you find by clear and convincing evidence that SBM's or Amro's infringement of the following claims was willful?

I. SBM

Claim 41 of the '456 patent No

Claim 58 of the '806 patent No

Claim 85 of the '806 patent No

Claim 120 of the '806 patent No

II. Amro

Claim 41 of the '456 patent No

Claim 58 of the '806 patent No

Claim 85 of the '806 patent No

Claim 120 of the '806 patent No

Please go on to Question No. 6(A).

Question No. 6(A): Damages

If you answered "YES" to any claim listed in Question Nos. 1(A) or 1(B),
and "NO" to that same claim in Question No. 2(A) or 2(B);
OR
if you answered "NO" to any claim listed in Question No. 4,
then answer the following Question Nos. 6(A) and 6(B).

What sum of money, if any, do you find would fairly and adequately compensate Cummins for the conduct you found to infringe, from the commencement of infringement through today?

Answer in dollars and cents.

$ 11,898,249.00

Please go on to Question No. 6(B).

Question 6(B): Damages—Future Damages

What sum of money, if any, do you find is adequate to compensate Cummins for the conduct you found to infringe, that occurs in the future?

Answer in either lost profits per unit
or a reasonable royalty per unit:

Lost profits per unit $_______________

OR

Reasonable royalty per unit $ 400.00

DATE _______________ **INITIALS OF FOREPERSON** SKT